

**STATE
PRISONERS
WILL BE
SEARCHED,
ASSERTS
DAVISON**

Prison Commission
Chair-

man Tells of Probe of
At-

tack on Frank and of
Plans

to Prevent Future
Trouble.

***BOARD MEETS
TODAY***

***IF RAINEY
RETURNS***

Answering Criticisms of In- vestigation, Davison Says Commission Has Nothing to Conceal From Public.

The first Result of the visit of the Prison Commission to the State Prison Farm at Milledgeville on Saturday for the purpose of investigating the attempt by William Creen, Life Convict, upon the Life of Leo M. Frank will be an Order requiring the Warden of the State Prison to see that all Prisoners are searched every night before they go to bed to prevent Prisoners from concealing upon

their persons weapons with which to commit attacks similar to the one made upon Frank. The Order will be issued by the Prison Commission on Monday.

This information comes from Judge R. E. Davison, Chairman of the Prison Commission, who returned to Atlanta last night from his home, where he went Saturday night after leaving Milledgeville.

PROBE OF COMMISSION.

Judge Davison also made public the entire Proceedings of the Executive Session of the Prison Commission, Governor Nat E. Harris, and Adjutant General J. Van Holt Nash, from which Newspaper men were excluded on Saturday at the Prison.

Judge Davison also said that on Monday, a meeting of the Prison Commission will be held, if Judge E. L. Rainey returns to Atlanta in time, and a Report of the investigation and the findings of that investigation will be formally entered upon the minutes of the Commission.

The findings will exonerate all Officials or Employees of the State Prison for the responsibility of the attack upon Frank and will state that Creen planned and made the attack unaided, and that he alone is to blame. Should Judge Rainey not arrive in Atlanta in time for this meeting, Judge Davison stated that the meeting will be held, as soon as he gets here.

Meanwhile Creen will remain chained to his Concrete Post at the State Prison, pending the final outcome of Frank's condition.

Judge Davison was surprised to find that accounts of the visit of the Commission to the Prison, as published in *The Macon Telegraph* and *The Augusta Chronicle*, took a critical view of the Proceedings of the Commission, particularly with regard to the exclusion of Newspaper Men from an Executive Ses-

PDF PAGE 2, COLUMN 1

sion of the Prison Commission, the Governor and the Adjutant General.

NOTHING TO CONCEAL.

“The idea that the Prison Commission, in its Private Conference, had anything to conceal from the Press or the Public,” said Judge Davison, “is absurd. The Newspaper Men know as much about the attack upon Frank as I or any member of the Commission knows. I was in favor of letting them come in and hear everything, and it was only at the suggestion of Governor Harris that the entire Proceedings were not opened to them.”

“This was not a desire on the part of the Governor to keep anything concealed, but because Creen had told him that he would make the Statement of why he made the attack upon Frank to the Governor only. Creen, having made his Statement to the Governor, the Governor said that he felt he should report in Private to the Prison Commission Creen’s Statement, and then let them use their Judgment as to whether they should divulge it. The reason the Governor gave for this position was Creen’s Statement to him was in the nature of a confidence, and that, perhaps, he should not divulge it publicly until the commission had heard it.”

Judge Davison then related the incidents of the Executive Session.

“Governor Harris had talked with Creen in the Sleeping Ward of the Prison, where Creen had told the Governor that he would make his Statement to no one but the Governor,” said Judge Davison.

“The Governor then repaired to the Office of Warden J.E. Smith and Creen was sent for to be given a Private Audience with the Governor.”

NASH

PRESENT.

“Creen had asked to see the Governor alone,” said Judge Davison, “but because of Creen’s desperate Character, we decided that it might not be safe for the Governor to be closeted alone and unprotected with him. Therefore, we suggested that Adjutant General J. Van Holt Nash remain with the Governor while Creen talked to him.

“With General Nash present Creen was admitted to the Governor and told him the story which the Governor subsequently made public. When Creen had finished his Statement, he was taken back to the Sleeping Room, and the Governor asked the Commission to come in.”

“When we came Governor Harris told us that Creen had told him his story and that he (the Governor) was ready to tell it to us. I suggested that the Press Representatives be invited in. Governor Harris said that he felt that, perhaps, he had better tell us what Creen said first, and then, if we saw fit, he would tell the Newspaper Men.”

"We agreed to this and Governor Harris told us what Creen had said."

"Then Judge Patterson, I think it was, produced a letter or clipping from *The Macon Telegraph*, which intimated that if Creen's back were exposed, he would show marks indicating that he had been whipped at the State Prison, and it was proposed that this be investigated."

"We then called in Warden Smith and asked him whether he had ever whipped Creen. He said that he had not."

"Warden Smith was then asked what he knew of the cutting of Frank. He said that personally he knew nothing. All that he knew had been told him."

"Ever since Frank has been at the Prison we have had the Guards and Warden Smith to sleep, by Special Orders, on the front porch of the Prison as a precautionary measure in case of trouble. Warden Smith stated that he had left the Prison but a short while before the cutting occurred, having received a call to the telephone at his residence, but a few hundred yards away. He was sent for at his home and told that Frank had been cut, and went immediately to the Prison and took charge."

WHERE KNIFE WAS OBTAINED.

"Warden Smith was asked where the knife came from that Creen used. He said that Creen secured the knife from the kitchen, where he worked, concealed it in his clothes and carried it into the Sleeping Quarters. Warden Smith stated that there are half a dozen more such knives in the kitchen. This, as I remember, was all that Warden Smith was asked or had to say."

At this point, the Reporter last night interrupted Judge Davison and asked him whether there is a rule at the Prison, requiring that Prisoners be searched every night. He said that there is no such rule, but it is the intention of the Commission to establish this rule at once. The only Rule governing regular search at the Prison, said Judge Davison, is that every Prisoner upon arrival shall be searched, and any knives or weapons he may have, be taken away from him. Prisoners are not allowed to use knives, even at the dinner table, but use spoons instead.

“This, however,” said Judge Davison, “does not keep the Prisoners from some time getting hold of knives or even saws, but we always try to be very careful to keep them from obtaining these things.”

Judge Davison then resumed his Statement of what happened in the Executive Session at the State Prison.

“We next called in Dyer, the night Floor Walker, who slept on the bunk next to Creen and who went on duty at midnight, just a short while after the cutting occurred. Dyer is a Convict and a ‘Trusty’ as are all the Floor Walkers. It is the duty of the Floor Walker to watch the Room while the Prisoners sleep and every 30 minutes to count the Prisoners to see that none have escaped.”

DYER WAS ASLEEP.

“Dyer was asked what he knew about the cutting of Frank. He said that he was asleep when it happened, as it was not yet time for him to go on duty, and that he did not hear Creen leave his bunk. He said he knew nothing of Creen’s plan to commit the act and had seen nothing to suggest that anything might be

wrong. The first he knew of the attack upon Frank, Dyer said, was when he was awakened by Frank's cry, when cut. Dyer said that when he woke up several of the other Prisoners, who had also been awakened by Frank's cry, had caught Creen. Dyer said that this was all that he knew."

Judge Davison was asked by the Reporter whether the Floor Walker who was on duty in the fore part of the night, that is, when Frank was attacked, was called before the Commission in Executive Session. He said not. He said that he did not remember now the name of this Floor Walker, but that this Floor Walker had already told all he knew to Warden Smith. Judge Davison said that this Floor Walker told Warden Smith that he was at the extreme opposite end of the Room from Frank's bunk when the cutting happened and that he did not see Creen leave his bunk and go across the Room to Frank's bunk. The Floor Walker told the Warden, said Judge Davison, that the first thing that he knew of the cutting was when he heard Frank cry out.

Judge Davison explained that Frank's bunk was the third from the end on one side of the Room and that Creen's was against the opposite wall and about midway of that row of bunks. There are four rows of bunks in the Room, one against each wall and two down the center, with aisles between each row.

Judge Davison, continuing his Statement of the Executive Session, said:

"After we had finished questioning Dyer, he was sent out of the Room and Creen was called in. Creen was asked whether he had ever been whipped, and he stated that he had never been hit a lick since he had been in, the Prison. In answer to questions, he stated that he had never been in any way, mistreated, and that he had not seen other Prisoners mistreated. We asked him to strip and show his back, so that we might see whether the Charge to

which Judge Patterson had called attention was true. Creen stripped and we found no marks. He was dismissed.”

REPORTERS

CALLED IN.

“That was the end of our Private Conference. The Newspaper Men were then invited in to hear Governor Harris’ story of Creen’s Statement.”

“I am telling you these things not because there was any effort to conceal them before, or for any new light they may throw on the Affair, but simply because there seems to be some disposition on the part of some Papers to think that we should have allowed the Newspaper Men in. If there had been anything of importance developed by the Private Hearing, we would have made it public, but because there was nothing of importance it did not occur to us to make any Statement.”

“As for the Examination of Creen, the Newspaper Men heard him say the same things that he said to the Commission and make the same exposures of his body, when he was later called in again for this purpose.”

This concluded Judge Davison’s account of the Executive Session.

He was asked by the Reporter last night whether Hester, the Night Guard, stationed outside the Sleeping Quarters door on the night of the Frank incident, was called before the Executive Session of the Commission.

Judge Davison said he was not called in, but that he had already made his Statement to Warden Smith. This Statement,

said Judge Davison, alleged that at the moment of the cutting Hester was at the Western end of the Corridor of the Prison at the entrance to the Negro Hospital Room. The entrance to the Sleeping Quarters, where the cutting occurred, is at the Eastern end of the Corridor.

NO NEGLECT OF DUTY.

Judge Davison said that it is the duty of this guard to visit the Negro sick ward as well as to watch the entrance to the Sleeping Quarters, and that the fact that he was at the Negro Ward at the time of trouble in the Sleeping Quarters was no indication of neglect of duty. Hester, as all Guards, said Judge Davison, is a paid employee of the Prison and not to be confounded with the Floor Walkers, who are "Trusties."

Judge Davison said that Creen will have to remain chained to the Concrete Post, since the Prison is provided with no other means of segregating Prisoners. Judge Davison said that for the last four years, the Commission has asked the Legislature to provide cells, or some means of Solitary Confinement for Prisoners of desperate character.

Judge Davison requested that Adjutant General J. Van Holt Nash, who was present at the Executive Session at the State Farm be communicated with last night and asked to confirm his Statement of the details of the Session. General Nash had retired when his Residence was called by telephone.
